

House Study Bill 502

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON HUSER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the safety of motor vehicle passengers under
2 eighteen years of age and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5280HC 82
5 dea/nh/8

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1 1 Section 1. Section 321.445, subsection 2, Code 2007, is
2 amended to read as follows:
3 2. a. The driver and front seat occupants of a type of
4 motor vehicle that is subject to registration in Iowa, except
5 a motorcycle or a motorized bicycle, shall each wear a
6 properly adjusted and fastened safety belt or safety harness
7 any time the vehicle is in forward motion on a street or
8 highway in this state except that a child under ~~eleven~~
9 eighteen years of age shall be secured as required under
10 section 321.446.
11 b. This subsection does not apply to:
12 ~~a.~~ (1) The driver or front seat occupants of a motor
13 vehicle which is not required to be equipped with safety belts
14 or safety harnesses.
15 ~~b.~~ (2) The driver and front seat occupants of a motor
16 vehicle who are actively engaged in work which requires them
17 to alight from and reenter the vehicle at frequent intervals,
18 providing the vehicle does not exceed twenty-five miles per
19 hour between stops.
20 ~~c.~~ (3) The driver of a motor vehicle while performing
21 duties as a rural letter carrier for the United States postal
22 service. This exemption applies only between the first
23 delivery point after leaving the post office and the last
24 delivery point before returning to the post office.
25 ~~d.~~ (4) Passengers on a bus.
26 ~~e.~~ (5) A person possessing a written certification from a
27 health care provider licensed under chapter 148, 150, 150A, or
28 151 on a form provided by the department that the person is
29 unable to wear a safety belt or safety harness due to physical
30 or medical reasons. The certification shall specify the time
31 period for which the exemption applies. The time period shall
32 not exceed twelve months, at which time a new certification
33 may be issued unless the certifying health care provider is
34 from a United States military facility, in which case the
35 certificate may specify a longer period of time or a permanent
36 exemption.
37 ~~f.~~ (6) Front seat occupants of an authorized emergency
38 vehicle while they are being transported in an emergency.
39 However, this exemption does not apply to the driver of the
40 authorized emergency vehicle.
41 c. The department, in cooperation with the department of
42 public safety and the department of education, shall establish
43 educational programs to foster compliance with the safety belt
44 and safety harness usage requirements of this subsection.
45 Sec. 2. Section 321.446, Code 2007, is amended to read as
46 follows:
47 321.446 CHILD RESTRAINT DEVICES.
48 1. a. A child under one year of age and weighing less
49 than twenty pounds who is being transported in a motor vehicle
50 subject to registration, except a school bus or motorcycle,
51 shall be secured during transit in a rear-facing child
52 restraint system that is used in accordance with the
53 manufacturer's instructions.

2 19 b. A child under six years of age who does not meet the
2 20 description in paragraph "a" and who is being transported in a
2 21 motor vehicle subject to registration, except a school bus or
2 22 motorcycle, shall be secured during transit by a child
2 23 restraint system that is used in accordance with the
2 24 manufacturer's instructions.

2 25 2. A child at least six years of age but under ~~eleven~~
2 26 ~~eighteen~~ years of age who is being transported in a motor
2 27 vehicle subject to registration, except a school bus or
2 28 motorcycle, shall be secured during transit by a child
2 29 restraint system that is used in accordance with the
2 30 manufacturer's instructions or by a safety belt or safety
2 31 harness of a type approved under section 321.445.

2 32 2A. A person who transports children in a motor vehicle
2 33 and who is not in compliance with the requirements of
2 34 subsection 1 or 2 is not in violation of this section if the
2 35 failure to secure one or more of the children is because the
3 1 number of children being transported exceeds the number of
3 2 passenger securing locations suitable for securing a child
3 3 either in a child restraint system or by a safety belt or
3 4 safety harness, provided that all of those locations are in
3 5 use by children secured in accordance with this section and as
3 6 many of the children under six years of age are properly
3 7 secured in child restraint systems as the vehicle is designed
3 8 to accommodate.

3 9 3. This section does not apply to peace officers acting on
3 10 official duty. This section also does not apply to the
3 11 transportation of children in 1965 model year or older
3 12 vehicles, authorized emergency vehicles, buses, or motor
3 13 homes, except when a child is transported in a motor home's
3 14 passenger seat situated directly to the driver's right. This
3 15 section does not apply to the transportation of a child who
3 16 has been certified by a physician licensed under chapter 148,
3 17 150, or 150A as having a medical, physical, or mental
3 18 condition that prevents or makes inadvisable securing the
3 19 child in a child restraint system, safety belt, or safety
3 20 harness.

3 21 4. An operator who violates ~~subsection 1 or 2~~ this section
3 22 is guilty of a simple misdemeanor and subject to the penalty
3 23 provisions of section 805.8A, subsection 14, paragraph "c".
3 24 However, if a child is being transported in a taxicab in a
3 25 manner that is not in compliance with ~~subsection 1 or 2~~ this
3 26 section, the parent, legal guardian, or other responsible
3 27 adult traveling with the child shall be served with a citation
3 28 for a violation of this section in lieu of the taxicab
3 29 operator.

3 30 5. A person who is first charged for a violation of
3 31 subsection 1 and who has not purchased or otherwise acquired a
3 32 child restraint system shall not be convicted if the person
3 33 produces in court, within a reasonable time, proof that the
3 34 person has purchased or otherwise acquired a child restraint
3 35 system which meets federal motor vehicle safety standards.

4 1 6. Failure to use a child restraint system, safety belts,
4 2 or safety harnesses as required by this section does not
4 3 constitute negligence nor is the failure admissible as
4 4 evidence in a civil action.

4 5 7. For purposes of this section, the following definitions
4 6 apply:

4 7 a. ~~"child~~ "Child restraint system" means a specially
4 8 designed seating system, including a belt-positioning seat or
4 9 a booster seat, that meets federal motor vehicle safety
4 10 standards set forth in 49 C.F.R. } 571.213.

4 11 b. "Passenger securing location" means any area within the
4 12 passenger compartment of a motor vehicle, other than the
4 13 driver's seat, in which the manufacturer has installed a
4 14 safety belt or safety harness.

4 15 Sec. 3. NEW SECTION. 321.447 MINOR PASSENGERS IN OPEN
4 16 TRUCK BED.

4 17 1. Except as otherwise provided in this section, a person
4 18 shall not operate a motor vehicle on a highway while
4 19 transporting a passenger under eighteen years of age in an
4 20 unenclosed area of the vehicle not intended for passenger
4 21 seating, including but not limited to the open bed of a motor
4 22 truck.

4 23 2. Except as otherwise provided in this section, a person
4 24 under eighteen years of age shall not ride in an unenclosed
4 25 area of a motor vehicle not intended for passenger seating,
4 26 including but not limited to the open bed of a motor truck,
4 27 while the vehicle is being operated on a highway.

4 28 3. Subsections 1 and 2 do not apply if the owner of the
4 29 motor vehicle is a person engaged in farming or ranching and

4 30 the vehicle is being operated within the boundaries of land
4 31 that is owned or managed by the owner of the vehicle as a farm
4 32 or ranch, including the incidental operation of the vehicle on
4 33 a highway for the purpose of traveling not more than one mile
4 34 from one part of the farm or ranch to another part of that
4 35 farm or ranch.

5 1 4. Subsections 1 and 2 do not apply if the motor vehicle
5 2 is being operated in a parade and the speed of the vehicle
5 3 does not exceed eight miles per hour.

5 4 5. The operator and passengers in a motor vehicle may each
5 5 be charged separately for a violation of this section. A
5 6 violation of this section is a simple misdemeanor punishable
5 7 as a scheduled violation under section 805.8A, subsection 14,
5 8 paragraph "j".

5 9 Sec. 4. Section 805.8A, subsection 14, Code 2007, is
5 10 amended by adding the following new paragraph:

5 11 NEW PARAGRAPH. j. PASSENGER SEATING VIOLATIONS. For a
5 12 violation under section 321.447, subsection 1 or 2, the
5 13 scheduled fine is twenty-five dollars.

5 14 EXPLANATION

5 15 This bill addresses safety requirements for transporting
5 16 children in motor vehicles other than school buses and
5 17 motorcycles. Under current law, a child who is under six
5 18 years of age must be secured in a child restraint system. If
5 19 the child is under one year of age and weighs less than 20
5 20 pounds, the child restraint system must be rear-facing.
5 21 Children who are at least six but not more than 11 years of
5 22 age are required to be secured by an approved child restraint
5 23 system or by a safety belt or safety harness regardless of
5 24 seating position. The bill extends that requirement to apply
5 25 to all children from age six to under 18 years of age.

5 26 The bill provides that a person is not in violation of the
5 27 child restraint requirements if the failure to secure one or
5 28 more children is because the number of children under age 18
5 29 being transported in the vehicle exceeds the number of
5 30 suitable passenger securing locations, provided that all of
5 31 those suitable locations are in use by children who are
5 32 properly secured and as many of the children under six are
5 33 secured in a child restraint system as the vehicle is designed
5 34 to accommodate.

5 35 Pursuant to existing law, a motor vehicle operator who
6 1 violates child restraint requirements commits a simple
6 2 misdemeanor subject to a scheduled fine of \$25. However, such
6 3 offenses are not considered for purposes of determining a
6 4 habitual offender of motor vehicle laws.

6 5 The bill prohibits the operator of a motor vehicle from
6 6 transporting passengers who are under 18 years of age in an
6 7 unenclosed area of the vehicle not intended for passenger
6 8 seating, such as an open truck bed. The bill also prohibits
6 9 persons under 18 years of age from riding in such an area of a
6 10 motor vehicle. The bill makes an exception for a motor
6 11 vehicle owned by a farmer or rancher when the vehicle is being
6 12 driven on land owned or managed by the farmer or rancher or
6 13 traveling on the highway between one part of the farm or ranch
6 14 to another part of the farm or ranch for a distance of one
6 15 mile or less. Another exception is allowed for a motor
6 16 vehicle being operated at a speed of not more than eight miles
6 17 per hour in a parade. The penalty for a violation is a simple
6 18 misdemeanor, punishable by a scheduled fine of \$25. Both the
6 19 driver and passengers may each be charged with a separate
6 20 violation.

6 21 LSB 5280HC 82

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